

E-File: December 15, 2009

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
 THE RHODES COMPANIES, LLC, aka
 "Rhodes Homes," et al.,¹
 Debtors.

Case No.: BK-S-09-14814-LBR
 (Jointly Administered)

Chapter 11

HEARING

DATE: December 17, 2009

TIME: 9:30 a.m.

PLACE: Courtroom 1

Affects:

- ☒ All Debtors
☐ Affects the following Debtor(s)

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No.

STATUS AND AGENDA FOR DECEMBER 17, 2009 HEARING

AT 9:30 A.M.

1. Motion For Relief From Stay Refiled Pursuant to Order of the Court and Updated filed by Olster on Behalf of Harsch Investment Properties [Rhodes Docket No. 302]

Related Filings:

- A. *Motion for Relief from Stay* [Bravo Docket No. 15]
- B. *Notice of Hearing* for Bravo Docket No. 15 [Bravo Docket No. 16]
- C. *Order Granting Stipulation for Continuance [RE DOCKET 302]* [Rhodes Docket No. 317]
- D. *Notice of Entry of Order* re Docket No. 317 (Rhodes Docket No. 319)
- E. *Certificate of Service* re Docket No. 319 [Rhodes Docket No. 326]
- F. *Debtor's Opposition to Motion for Relief From Stay Filed by Harsch Investment Properties—Nevada LLC [Relates to Docket No. 302]* [Rhodes Docket No. 347]
- G. *Declaration of Thomas Robinson in Support of "Debtor's Opposition to Motion for Relief From Stay Filed by Harsch Investment Properties—Nevada LLC [Relates to Docket No. 302]"* [Rhodes Docket No. 348]
- H. *Certificate of Service* for Docket Entries 347 and 348 [Rhodes Docket No. 350]
- I. *Harsch Investment Properties, Nevada LLC's Reply to Debtor's Opposition to The Motion to Lift Automatic Stay and In Support of Motion as Refiled (Document 302)* [Rhodes Docket No. 371 and Bravo Docket No. 23]
- J. *Stipulation For Continuance* [Rhodes Docket No. 372]
- K. *Order Granting Stipulation for Continuance [Docket No. 302]* [Rhodes Docket No. 379]
- L. *Notice of Entry of Order* for Docket Entry 379 [Rhodes Docket No. 382]
- M. *Certificate of Service* for Docket Entries 372, 381 and 382 [Rhodes Docket No. 426]

09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

- 1 *N. Stipulation re Continuance* [Rhodes Docket No. 524]
- 2 *O. Certificate of Service* for Docket Entry 524 [Rhodes Docket NO. 534]
- 3 *P. Order Granting Stipulation for Continuance* (Docket Nos. 302 and 524) [Rhodes
Docket No. 536]
- 4 *Q. Notice of Entry of Order* for Docket Entry 536 [Rhodes Docket No. 541]
- 5 *R. Stipulation By The Rhodes Companies, LLC and Between Bravo, Inc. and Harsch*
6 *Investment Properties - Nevada LLC* [Rhodes Docket No. 671]
- 7 *S. Certificate of Service* for Docket Entry 671 [Rhodes Docket No. 679]
- 8 *T. Order Granting Stipulation for Continuance Re Relief from Stay Filed by Harsch*
9 *Investment Properties* [Rhodes Docket No. 710]
- 10 *U. Notice of Entry of Order* for Docket Entry 710 [Rhodes Docket No. 725]
- 11 *V. Stipulation By The Rhodes Companies, LLC and Between Bravo, Inc., and Harsch*
12 *Investment Properties - Nevada LLC* [Rhodes Docket No. 831]

13 **STATUS:** This matter has been resolved pursuant to the Stipulation [Docket No.
14 831]. A form of the order approving the stipulation will be submitted to the Court as soon as
15 possible.

16 **2. *Debtors' Omnibus Objection to Internal Revenue Service Claims Pursuant to***
17 ***Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007* [Rhodes Docket No.**
18 **357]**

19 **Related Filings:**

- 20 *A. Notice of Hearing* on Docket No. 357 [Rhodes Docket No. 358]
- 21 *B. Certificate of Service* for Docket Nos. 357 and 358 [Rhodes Docket No. 364]
- 22 *C. Supplemental Certificate of Service* for Docket Nos. 357 and 358 [Rhodes Docket
23 No. 365]
- 24 *D. Response To Debtors' Omnibus Objection To IRS Claims* with Certificate of Service
25 [Rhodes Docket No. 507]
- 26 *E. Second Stipulation Between Internal Revenue Service and Debtors Continuing*
27 *Debtors' Omnibus Objection to Internal Revenue Service Claims Pursuant to Section*
28 *502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007* [Rhodes Docket
No. 357] [Rhodes Docket No. 523]
- F. Order Continuing Debtors' Omnibus Objection to Internal Revenue Service Claims*
Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and

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3007 and Approving Stipulation Thereon (Docket No. 357) [Rhodes Docket No. 538]

G. Notice of Entry of Order for Docket entry No. 538 [Rhodes Docket No. 540]

H. Certificate of Service for Docket entry No. 540 [Rhodes Docket No. 543]

I. Third Stipulation Between Internal Revenue Service and Debtors Continuing Debtors' Omnibus Objection to Internal Revenue Service Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 [Docket No. 357] [Rhodes Docket No. 656]

J. Certificate of Service for Docket Entry 656 [Rhodes Docket No. 681]

K. Order Continuing Debtors' Omnibus Objection to Internal Revenue Service Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 and Approving Stipulation Thereon [Rhodes Docket No. 695]

L. Notice of Entry of Order for Docket Entry 695 [Rhodes Docket No. 697]

M. Fourth Stipulation By The Rhodes Companies, LLC and Between Internal Revenue Service and Debtors [Rhodes Docket No. 712]

N. Certificate of Service of Docket Entry 712 [Rhodes Docket No. 770]

O. Fifth Stipulation By The Rhodes Companies, LLC and Between Internal Revenue Services Continuing Debtors' Omnibus Objection to Internal Revenue Service Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 [Docket No. 357]

STATUS: The parties have agreed to continue this matter to the omnibus hearing on January 14, 2010 to allow time for the one remaining claim objection to be resolved consensually. A form of order will be submitted as soon as possible.

3. Second Application for Compensation for Zachariah Larson, Fees: \$48287.50, Expenses: \$772.30 [Rhodes Docket No. 723]

Related Filings:

A. Notice of Hearing for Docket Entry 723 [Rhodes Docket No. 724]

B. Certificate of Service for Docket Entries 723 and 724 [Rhodes Docket No. 759]

STATUS: This matter will be going forward. No responses have been received.

4. Second Application for Compensation of Sullivan Group Real Estate Advisors for Allowance and Payment of Compensation and Reimbursement of Expenses as Market

Research Consultants to the Debtors and Debtors In Possession for the Period July 1, 2009 through September 30, 2009 [Rhodes Docket No. 728]

Related Filings:

- A. *Notice of Hearing* for Docket Entry 728 [Rhodes Docket No. 730]
- B. *Certificate of Service* for Docket Entries 728 and 730 [Rhodes Docket No. 759]

STATUS: This matter will be going forward. No responses have been received.

5. *Amended Application for Compensation(Second) of Pachulski Stang Ziehl & Jones LLP for Allowance and Payment of Compensation and Reimbursement of Expenses as Co-Counsel to the Debtors and Debtors in Possession for the Period July 1, 2009 through September 30, 2009 [Rhodes Docket No. 743]*

Related Filings:

- A. *Second Application for Compensation of Pachulski Stang Ziehl & Jones LLP for Allowance and Payment of Compensation and Reimbursement of Expenses as Co-Counsel to the Debtors and Debtors in Possession for the Period July 1, 2009 through September 30, 2009 [Rhodes Docket No. 729]*
- B. *Notice of Hearing* for Docket Entry 729 [Rhodes Docket No. 730]
- C. *Certificate of Service* for Docket Entries 729 [Rhodes Docket No. 759]²

STATUS: This matter will be going forward. No responses have been received.

6. *Objection to Claim of Daniel Brennan's in the amount of \$200,000.00 Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007 (Books & Records Claim); Declaration of Paul D. Huygens in Support Thereof [Rhodes Docket No. 741]*

Related Filings:

- A. *Notice of Hearing* for Docket No. 741 [Rhodes Docket No. 742]

² Docket Entry 729 was a corrupt PDF in that portions of the application were filed multiple times in the same PDF. As the image could not be replaced, the "amended" application (#743) was then filed. The "amended" application is the same application that was served on the 2002 list by mail (Docket No. 743).

B. *Certificate of Service* for Docket Entries 741 and 742 [Rhodes Docket No. 766]

STATUS: This matter will be going forward. No responses have been received.

7. *Second Objection (Omnibus) to Internal Revenue Service Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 with Exhibits A-B* [Rhodes Docket No. 744]

Related Filings:

A. *Notice of Hearing* for Docket No. 744 [Rhodes Docket No. 745]

B. *Certificate of Service* for Docket Entries 744 and 745 [Rhodes Docket No. 767]

C. *Response to Debtors' Second Omnibus Objection to IRS Claims* [Rhodes Docket No. 829]

STATUS: The IRS has requested that an evidentiary hearing be scheduled, and the Debtors agree. The parties respectfully request that the evidentiary hearing be set for February 18, 2010 at 1:30 p.m.

8. *Sixth Objection Omnibus Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007 [Scheduled Claims]; Declaration of Paul D. Huygens In Support Thereof* [Rhodes Docket No. 746]

Related Filings:

A. *Notice of Hearing* for Docket No. 746 [Rhodes Docket No. 747]

B. *Certificate of Service* for Docket Entries 746 and 747 [Rhodes Docket No. 764]

STATUS: This matter will be going forward. No responses have been received.

9. *Fifth Objection (Omnibus) to Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007 [Books and Records Claims]; Declaration of Paul D. Huygens in Support Thereof with Exhibit A* [Rhodes Docket No. 748]

Related Filings:

A. *Notice of Hearing* for Docket No. 748 [Rhodes Docket No. 749]

B. *Certificate of Service* for Docket Entries 748 and 749 [Rhodes Docket No. 765]

STATUS: This matter will be going forward. No responses have been received, except counsel for Westar Kitchen & Bath called to confirm that the Debtors are not objecting to Claim Number 102-A filed against Rhodes Design & Development, which the Debtors confirmed is not the subject of this Fifth Omnibus Objection and will be allowed.

10. Omnibus Objection (Seventh) to Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007 [Misclassified Claims]; Declaration of Paul D. Huygens in Support Thereof [Rhodes Docket No. 750]

Related Filings:

- A. *Notice of Hearing* for Docket No. 750 [Rhodes Docket No. 751]
- B. *Certificate of Service* for Docket Entries 750 and 751 [Rhodes Docket No. 763]

STATUS: This matter will be going forward. No responses have been received.

11. Omnibus Objection (Eighth) to Claims Pursuant to Section 502(b) of the Bankruptcy Code and Bankruptcy Rules 3003 and 3007 [Books and Records Claims - Reduce & Allow]; Declaration of Paul D. Huygens In Support Thereof with Exhibit [Rhodes Docket No. 752]

Related Filings:

- A. *Notice of Hearing* for Docket No. 752 [Rhodes Docket No. 753]
- B. *Certificate of Service* for Docket Entries 752 and 753 [Rhodes Docket No. 762]

STATUS: This matter will be going forward. No responses have been received.

Dated: December 15, 2009

LARSON & STEPHENS

/s/Zachariah Larson

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—and —

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